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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,328	12/08/2005	Matthew McQuaid	61022.00005	4662
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SQUIRE, SANDERS & DEMPSEY L.L.P				
600 HANSEN WAY				
PALO ALTO, CA 94304-1043				
EXAMINER				
ROY, ANURADHA				
ART UNIT		PAPER NUMBER		
3736				

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/560,328	Applicant(s) MCQUAID, MATTHEW	
	Examiner Anuradha Roy	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-20,23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-20,23 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/8/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 23 is objected to because of the following informalities: Examiner suggests "urine steam of a woman" be corrected to "urine stream of a woman." Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 16, 18, 20, 23, 26, & 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakao et al. (US Patent No. 4,050,103).

Regarding claim 15, Nakao et al. discloses a method for collecting a sample, comprising:

providing specimen container attachment (Figure 1), comprising:

an attachment ring (2) adapted for attachment to a specimen container;

a peripheral wall (1) extending from the attachment ring, the peripheral wall having a base (bottom of 1), an outer edge (edge of 1), and receiving and capturing areas (interior of 1);

the outer edge of the peripheral wall (outer edge of 1) having a generally U-shaped region extending towards the base of the peripheral wall and located in the receiving area of the peripheral wall defining a generally U-shaped receiving space of the receiving area of the peripheral wall (Figure 2); and

wherein a portion of the capturing area of the peripheral wall faces the receiving space of the receiving area of the peripheral wall (Figure 3);

attaching the attachment ring (Column 3, lines 3-15) of the specimen container attachment to a specimen container,

inserting a portion of a penis into the receiving space so that a tip of the penis faces the capturing area (Figure 7); and

deflecting fluid ejaculated from the penis with the capturing area into the specimen container (Figure 7).

Regarding claim 16, Nakao et al. discloses a method, further comprising resting the penis on outer edge of the peripheral wall located in the receiving area of the peripheral wall (Figure 7).

In regards to claim 16, Nakao et al. discloses a method, wherein the attachment ring (2) is attached to the specimen container with a snap on mechanism (Column 3, lines 8-15).

Regarding claim 20, Nakao et al. discloses a method, wherein the U-shaped region of the outer edge of the peripheral wall has an arcuate lower portion positioned towards the base of the peripheral wall, the U-shaped region of the outer edge of the peripheral wall having a generally smooth and rounded exterior surface (Figure 7).

Regarding claim 23, Nakao et al. discloses a method for collecting a sample, comprising:

providing specimen container attachment (Figure 1), comprising:

an attachment ring (2) adapted for attachment to a specimen container;

a peripheral wall (1) extending from the attachment ring, the peripheral wall having a base (bottom of 1), an outer edge (edge of 1), and receiving and capturing areas (interior of 1);

the outer edge of the peripheral wall (outer edge of 1) having a generally U-shaped region extending towards the base of the peripheral wall and located in the receiving area of the peripheral wall defining a generally U-shaped receiving space of the receiving area of the peripheral wall (Figure 2); and

wherein a portion of the capturing area of the peripheral wall faces the receiving space of the receiving area of the peripheral wall (Figure 3); attaching the attachment ring (Column 3, lines 3-15) of the specimen container attachment to a specimen container, positioning the receiving area anterior to a urethral urine stream of a woman; and deflecting the urine from the urethral urine stream with the capturing area into the specimen container.

Regarding claim 26, Nakao et al. discloses a method, wherein the attachment is attached to the specimen container with a snap on mechanism (Column 3, lines 8-15).

In regards to claim 28, Nakao et al. discloses a method, wherein the U-shaped region of the outer edge of the peripheral wall has an arcuate lower portion positioned towards the base of the peripheral wall, the U-shaped region of the outer edge of the peripheral wall having a generally smooth and rounded exterior surface (Figure 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art

to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 & 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakao et al. in view of Raitto (US Patent No. 3,881,465).

Regarding claims 17 & 25, Nakao et al. discloses all of the aforementioned elements. However, Nakao et al. does not disclose an attachment ring that is threadably attached to the specimen container. Raitto, however, discloses an attachment ring (12) that is threadably attached (Column 3, lines 1-5) to the specimen container (11). It would have been obvious to one having ordinary skill in the art at the time the invention in view of Raitto to incorporate an attachment ring that is threadably attachable with Nakao et al. in order to provide a more secure closure.

Additional Claim Rejections - 35 USC § 103

Claims 19 & 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakao et al. in view of Shah (US Patent No. 4,393,881).

Regarding claim 19 & 27, Nakao et al. discloses a method with all of the aforementioned elements. However, Nakao et al. does not disclose a method, wherein an outer side of the attachment ring has a plurality of elongated gripping ridges and wherein a user's fingers engage the plurality of elongated gripping ridges. Shah, however, discloses a plurality of elongated gripping ridges (34) and wherein a user's fingers engage the plurality of elongated gripping ridges (Column 3, lines 16-22). It would have been obvious to one having ordinary skill in the art at the time the invention in view of Shah to incorporate gripping ridges with Nakao et al. in order to provide for a

easier grip.

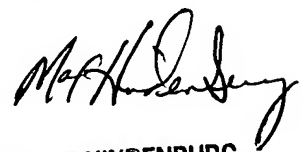
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anuradha Roy whose telephone number is (571) 272-6169 and whose email address is anuradha.roy@uspto.gov. The examiner can normally be reached between 8:00am and 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

~AR


MAX F. HINDENBURG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700